

EXHIBIT D

BMY/PLB/007/07 5/0000172

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BMS - 0009144

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BMSAWP/0000574

Plaintiffs' Exhibit
210
01-12257-PBS

APOTHECON
A BRISTOL-MYERS SQUIBB COMPANY

APOTHECON

INTRODUCES

Albuterol

INHALANT

Albuterol
Inhalation
Aerosol

17 g

200 Metered Inhalations

For use with the

Each inhaler contains a metered-dosing system of albuterol in pressurized air. Each inhaler contains 200 metered inhalations. Each inhaler contains 17 g of albuterol sulfate.

See the package insert for complete prescribing information.

APOTHECON
A BRISTOL-MYERS SQUIBB COMPANY

ALBUTEROL SULFATE MD

DESCRIPTION	NDC NUMBER	LIST	CASE PACK	AWP*
Albuterol Inhalant Kit 17 g	59772-6175-2	617520	12	\$21.42
Albuterol Inhalant Refill 17 g	59772-6175-1	617510	12	\$19.75

*Anticipated AWP, Actual AWP is set by independent pricing services.

- ♦ Competitively Priced
- ♦ Available in Kits and Refills
- ♦ Quality Service from Apothecon,
the Generic Division of Bristol-Myers Squibb

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YOUR SINGLE SOURCE FOR MULTISOURCE

BMV/PLB/007/075/0000173

11-1-76

ORDERING INFORMATION

1-800-336-1357

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BMSAWP/0000575

Subject: Re: Albuterol _____ Reply Separator _____
 Author: Jonathan A Zalk at PGRSM13P
 Date: 8/22/96 11:27 AM

Awilda:

Due to competitive pressure, we have had to reduce our pricing since the beginning of August.

The cc Mail prices of \$10.00 and 9.20 for the kit and refill respectively are correct.

Please let me know if you have any additional questions.

Thanks,

Jon

Subject: Albuterol _____ Reply Separator _____
 Author: Awilda M Serrano at PGRSM36P
 Date: 8/22/96 9:38 AM

Jon,

There is a discrepancy between the Special Offer prices on the August 1, 1996 signed-off memo (where Sam Barker and Mark Durand appear to have signed off 8-15-96) and the Special Offer prices in the cc:mail Denise received.

i.e.:

		Wholesale
Memo:	Albuterol 6175-10	Special Offer
	6175-20	\$12.25
		\$10.05

vs.

cc:mail:	Albuterol 6175-10	\$10.00
	6175-20	\$ 9.20

A Special Offer is being created to reflect the prices on the "Memo", if they are incorrect please let me know so we can make the adjustments necessary.

Thank you,

Awilda

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BMSAWP/0000576

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BMSAWP/0000577

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BMSAWP/0000578

* ALBUTEROL INHALENT

DESCRIPTION	NDC	LIST	DIRECT LIST PRICE	WHOLESALE LIST PRICE	ANTICIPATED APP*	WHOLESALE S.O.
ALBUTEROL INHALENT KIT 170	59772-6175-2	617518-20	\$18.04	\$17.14	\$21.42	\$12.25
ALBUTEROL INHALENT REF 170 REF	59772-6175-2	617520-10	\$16.63	\$15.80	\$19.75	\$10.05

* Anticipated APP-Actual APP's are set independently by pricing publishers such as First Data Bank and Redbook.

Handwritten: 12/20/01, By H. H. H.

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BMSAWP/0000579

BMY/PLB/007/075/0000175

NO. 775 P. 3

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Memorandum

APOTHECON

To: D. Kaszuba
From: J. Zalk
Subject: Albuterol Pricing

Date: August 1, 1996
C.C.: M. Campion
N. DiMaio
F. Hamer
S. Tarriff

Denise,

Attached please find all necessary pricing information for Apothecon's albuterol. Effective immediately, please add albuterol to all wholesale pricing levels at the special offer prices shown.

Thank you for your assistance in this matter.

Approved: _____ Date _____
Nick DiMaio

Approved: _____ Date _____
Scott Tarriff

JZ

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BMSAWP/0000580

FACSIMILE

TO:

Avilda-
Thanks!



FROM: Jonathan Zalk
Apothecon, Bristol-Myers Squibb Co.
(609) 897-2444

FAX: (609) 897-6349

No. of Pages (incl. coversheet): 3

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BMSAWP/0000581

Author: Awilda M Serrano at ~PGRSM36P
Date: 8/16/96 10:31 AM
Priority: Normal
Receipt Requested
TO: Janet M Griffith at ~PGRCB01P
CC: Denise M Kaszuba at ~PGRSM34P
Subject: Special Offers

----- Message Contents -----

Janet,

Denise has asked that in her absence I communicate the following to you:

Please add the following List Nos to Special Offer 300:

Item No.

617510
617520

Also add the following list nos. and list prices to Special Offer 299:

Item no.	Price
617510	\$18.94
617520	\$17.46

This should be effective immediately.

Thank you

Awilda

BMYP/LB/007/075/0000178

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BMSAWP/0000582

Memorandum

☒ APOTHECON

To: S. Barker
 From: J. Zalk
 Subject: *Albuterol Wholesale Pricing*

Date: August 1, 1996
 C.C.: L. Burg
 M. Campion
 N. DiMaio
 M. Durand
 F. Hamer
 S. Tarriff

RECOMMENDATION: It is recommended that the attached wholesale list prices be established for Apothecon's albuterol.

BACKGROUND: To accomplish a rapid market introduction of albuterol, wholesale list prices must be established. These wholesale prices do not reflect actual selling prices, as albuterol will be sold primarily at contract or special offer pricing. Apothecon's wholesale special offer pricing for albuterol matches Warrick and Zenith, the two albuterol market leaders.

ACTION: Please approve the attached wholesale list prices for Apothecon's albuterol.

APPROVED: *[Signature]* 8/1/96
 Nick DiMaio Date

APPROVED: *[Signature]*
 Scott Tarriff Date

APPROVED: *[Signature]* 8/1/96
 Mary Ellen Campion Date

APPROVED: *[Signature]* 8/1
 Lee Burg Date

APPROVED: *[Signature]* 8/15
 Sam Barker Date

APPROVED: *[Signature]* 8.19.96
 Fran Hamer Date

APPROVED: *[Signature]* 8/15
 Mark Durand Date

JZ

Attachment

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BMYP/PLB/007/075/0000179



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BMSAWP/0000583

Author: Jonathan A Zalk at "PGRSH13P"
 Date: 8/22/96 11:27 AM
 Priority: Normal
 CC: Denise M Kaszuba at "PGRSH34P"
 TO: Awilda M Serrano at "PGRSH36P"
 CC: Nicholas Dimaio
 CC: George Stevenson at "PGRSH12P"
 Subject: Re: Albuterol

----- Message Contents -----

Awilda:

Due to competitive pressure, we have had to reduce our pricing since the beginning of August.

The cc Mail prices of \$10.00 and 9.20 for the kit and refill respectively are correct.

Please let me know if you have any additional questions.

Thanks,

Jon

Subject: Albuterol _____ Reply Separator _____
 Author: Awilda M Serrano at "PGRSH36P"
 Date: 8/22/96 9:38 AM

Jon,

There is a discrepancy between the Special Offer prices on the August 1, 1996 signed-off memo (where Sam Barker and Mark Durand appear to have signed off 8-15-96) and the Special Offer prices in the cc:mail Denise received.

i.e.:

		Wholesale
Memo:	Albuterol 6175-10	Special Offer
	6175-20	\$12.25
		\$10.05

vs.

cc:mail:	Albuterol 6175-10	\$10.00
	6175-20	\$ 9.20

A Special Offer is being created to reflect the prices on the "Memo", if they are incorrect please let me know so we can make the adjustments necessary.

Thank you,

Awilda

BMS - 0000155

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BMSAWP/0000585

ALBUTEROL INHALANT

DESCRIPTION	NDC #	LIST #	DIRECT LIST PRICE	WHOLESALE LIST PRICE	ANTICIPATED AWP*	WHOLESALE S.O.
ALBUTEROL INHALANT KIT 17G	59772-6175-2	617520	\$18.04	\$17.14	\$21.42	\$8.31
ALBUTEROL INHALANT REF 17G	59772-6175-1	617510	\$16.63	\$15.80	\$19.75	\$7.70

* Anticipated AWP-Actual AWP's are set independently by pricing publishers such as First Data Bank and Redbook.

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BMY/PLB/007/075/0000182

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299

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BMSAWP/0000586

Author: Jonathan A Zalk at PGRSM13P
 Date: 8/22/96 4:47 PM
 Priority: Urgent
 CC: Denise M Kaszuba at PGRSM34P
 CC: Nicholas Dimaio
 CC: George Stevenson at PGRSM12P
 TO: Awilda M Serrano at PGRSM36P
 Subject: Re[4]: Albuterol

Message Contents

Awilda/Denise:

Due to additional market pressure, we have had to lower our albuterol wholesale pricing once again as follows:

NDC	List	Description	
59772-6175-2	6175-20	Albuterol 17g Kit	8.31
59772-6175-1	6175-10	Albuterol 17g Refill	7.70

PLEASE NOTE THE CHANGE IN NDC AND LIST NUMBERS.

The NDC's and list #'s were originally reversed (i.e. the refill's NDC and list #'s were actually those of the kit and vice versa).

Attached is an updated worksheet with all wholesale pricing.

Please let me know if you have any questions.

Thanks,

Jon

Subject: Re[3]: Albuterol
 Author: Awilda M Serrano at PGRSM36P
 Date: 8/22/96 2:22 PM

Jon,

Please disregard my previous message.

I just need any price changes to the Wholesale and/or Direct List Prices, if any.

I apologize for the confusion.

Thank you,

Awilda

Subject: Re[2]: Albuterol Reply Separator
 Author: Awilda M Serrano at PGRSM36P
 Date: 8/22/96 12:06 PM

Jon,

Does this mean that the Wholesale and Direct list prices have also changed? The Retail Special Offer price is calculated based on the Direct Price.

Please let me know.

Thank you,

Awilda

BMY/PLB/007/075/0000183

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